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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/435,315      | 11/04/1999  | PAUL D. MARKO        | XM-0014             | 5073             |

7590 03/01/2002

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EXAMINER

LEE, JOHN J

ART UNIT

PAPER NUMBER

2682

DATE MAILED: 03/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                 |              |
|------------------------------|-----------------|--------------|
| <b>Office Action Summary</b> | Application No. | Applicant(s) |
|                              | 09/435,315      | MARKO ET AL. |
| Examiner                     | Art Unit        |              |
| John J Lee                   | 2682            |              |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on \_\_\_\_\_.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-28 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-28 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- 1) Certified copies of the priority documents have been received.
- 2) Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- 3) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

|   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                   | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: it is suggested that fill in the empty underlines in pages 4, 7, and 10. Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1 – 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Marko et al. (US Patent number 6154452) in view of Nguyen et al. (US Patent number 6272328).

Regarding **claim 1**, Marko discloses that a satellite digital audio radio multipoint distribution system comprising:

first means for providing a satellite digital audio radio signal (column 4, lines 16 – 48 and Fig. 1);

second means for transforming said satellite digital audio radio signal (see 158, 160 in Fig. 16) to a converted signal (column 8, lines 21 – column 9, lines 52 and Fig. 16);

third means for distributing said converted signal (column 8, lines 21 – column 9, lines 52 and Fig. 16).

Marko does not specifically disclose the limitation “providing plural output signals in response”. However, Nguyen discloses “providing plural output signals in response” (Fig. 7 and column 6, lines 12 – 51). It would have been obvious to one having ordinary skill in the art at the time of Applicant’s invention to provide the teaching of Nguyen to Marko. More specifically, Nguyen teaches in Fig. 7, TDM Demultiplexer (124) which is providing plural output signals and one of ordinary skilled would have been motivated by Nguyen to provide for receiving the presence of a modulated audio signal from satellite broadcast receiver in satellite communication system.

Regarding **claim 2**, Marko discloses that the first means includes a satellite antenna and a satellite receiver (Fig. 1 and column 1, lines 24 – column 2, lines 67).

Regarding **claim 3**, Marko discloses that the first means includes a terrestrial repeater (Fig. 1, 16 and column 1, lines 24 – column 2, lines 67).

Regarding **claim 4**, Marko discloses that the satellite receiver decodes a stream of data received from a satellite and recodes said stream of data using a

satellite radio terrestrial broadcast format (Fig. 1, 3, 16, column 7, lines 41 – column 9, lines 15, and column 1, lines 24 – column 2, lines 67).

Regarding **claim 5**, Marko discloses that the format is an XM radio format (interoperable receivers for satellite radio reception, receivers capable of processing signal from CD radio) (Fig. 1, 3, 16, column 7, lines 41 – column 9, lines 15, and column 1, lines 24 – column 2, lines 67).

Regarding **claim 6**, Marko discloses that the format is multi-carrier modulation (Fig. 1, 8, 9, column 5, lines 42 – column 7, lines 27, and column 1, lines 24 – column 2, lines 67).

Regarding **claim 7**, Marko and Nguyen disclose all the limitation, as discussed in claims 1 and 6.

Regarding **claim 8**, Marko discloses that the first means is a storage medium on which satellite digital audio radio service signals have been stored (column 1, lines 24 – column 2, lines 67 and column 5, lines 12 – column 6, lines 55).

Regarding **claim 9**, Marko discloses that the storage medium is a digital video disc (column 1, lines 24 – column 2, lines 67 and column 5, lines 12 – column 6, lines 55).

Regarding **claim 10**, Marko discloses that a respective user interface to allow for channel selection and audio processing (abstract, column 1, lines 24 – column 2, lines 67, column 5, lines 12 – column 6, lines 55, and column 10, lines 5 – 61).

Regarding **claim 11**, Marko and Nguyen disclose all the limitation, as discussed in claim 1.

Regarding **claim 12**, Marko discloses that a channel decoder adapted to receive said converted signal and provide a digital bitstream output in response thereto (abstract, column 1, lines 24 – column 2, lines 67, column 5, lines 12 – column 6, lines 55, and column 7, lines 41 – column 9, lines 15).

Regarding **claim 13**, Marko discloses that a source decoder digital signal processor adapted to receive said digital bitstream and provide said output signal in response thereto (abstract, column 1, lines 24 – column 2, lines 67, column 5, lines 12 – column 6, lines 55, and column 7, lines 41 – column 9, lines 15).

Regarding **claim 14**, Marko discloses that a distribution system for connecting said first means to each of said plural fourth means (Fig. 1, 16, column 7, lines 41 – column 9, lines 15, and column 1, lines 24 – column 2, lines 67).

Regarding **claim 15**, Marko discloses that the distribution system is a cable distribution system (Fig. 1, 16, column 7, lines 41 – column 9, lines 15, and column 1, lines 24 – column 2, lines 67).

Regarding **claim 16**, Marko and Nguyen disclose all the limitation, as discussed in claims 1 and 11.

Regarding **claim 17**, Marko and Nguyen disclose all the limitation, as discussed in claims 1 and 13. Furthermore, Marko further discloses that a terrestrial repeater connected to set antenna for decoding said satellite signal

and recoding said signal into a satellite radio terrestrial broadcast format (Fig. 1, 16, column 7, lines 41 – column 9, lines 15, and column 1, lines 24 – column 2, lines 67);

a system for distributing recoded signal (column 7, lines 41 – column 9, lines 15, and column 1, lines 24 – column 2, lines 67),

Regarding **claim 18**, Marko and Nguyen disclose all the limitation, as discussed in claims 1 and 5.

Regarding **claim 19**, Marko and Nguyen disclose all the limitation, as discussed in claims 1 and 6.

Regarding **claim 20**, Marko and Nguyen disclose all the limitation, as discussed in claims 1 and 7.

Regarding **claim 21**, Marko and Nguyen disclose all the limitation, as discussed in claims 1 and 10.

Regarding **claim 22**, Marko and Nguyen disclose all the limitation, as discussed in claims 1 and 12.

Regarding **claim 23**, Marko and Nguyen disclose all the limitation, as discussed in claims 1 and 13.

Regarding **claim 24**, Marko and Nguyen disclose all the limitation, as discussed in claims 1 and 15.

Regarding **claim 25**, Marko discloses that the distribution system is a wireless distribution system (Fig. 1, 16, column 7, lines 41 – column 9, lines 15, and column 1, lines 24 – column 2, lines 67).

Regarding **claim 26**, Marko discloses that the distribution system is a fiber-optic distribution system (Fig. 1, 16, column 7, lines 41 – column 9, lines 15, and column 1, lines 24 – column 2, lines 67).

Regarding **claim 27**, Marko and Nguyen disclose all the limitation, as discussed in claims 1 and 16.

Regarding **claim 28**, Marko and Nguyen disclose all the limitation, as discussed in claims 1 and 17.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Burt (US Patent number 6308080) discloses Power Control in Point-To-Multipoint Systems.

Bustamante (US Patent number 5809431) discloses Local Multipoint Distribution System.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-6606 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121  
Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John J. Lee** whose telephone number is **(703) 306-5936**. He can normally be reached Monday-Thursday and alternate Fridays from 8:30am-5:00 pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, **Vivian Chin**, can be reached on **(703) 308-6739**. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

J.L  
February 21, 2002

John J Lee



VIVIAN CHIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600